

### REMARKS

The applicant respectfully requests reconsideration in view of the following remarks. The applicant has amended the claims to overcome the 35 U.S.C. 112, second paragraph rejections. Support for amended claim 1 can be found in claim 6 in the definition of the ring, in particular Q, X and T. In addition, support for the phrase, "Cyl and Cy2 are linked to one another via substituents and thus define a polycyclic, aliphatic or aromatic ring system wherein this ring system is a six-membered ring system which can be optionally substituted by R1" can be found in the examples 55, 56 and 57. The applicant has incorporated claims 14, 16 and 17 into claim 6. No new matter has been added.

**The applicant respectfully requests that the withdrawn claims be rejoined. However, if the Examiner will not rejoin the withdrawn claims the applicant authorizes the Examiner to cancel the withdrawn claims.**

Claims 1-3, 6-17, 19, 22 and 24-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The reason for rejection was that Cyl and Cy2 were defined as homo- or hetero-cyclic ring without defining the number of carbon atoms and/or the heteroatoms present in these rings.

In the pending claims, the applicant has previously amended Cyl and Cy2 as aromatic homo- or heterocyclic ring having 5 or 6 ring atoms. Therefore, the applicant believes that the size of the ring is sufficiently defined. Furthermore, the applicant has defined that Cyl and Cy2 each consists of carbon, nitrogen, oxygen or sulfur or a mixture thereof. These atoms are defined in claims 6 to 8 as being part of Cy1 and Cy2.

It is evident for the person skilled in the art that a 5-membered aromatic group must be a heterocyclic ring group containing carbon atoms and one atom selected from O, S or N and possibly further nitrogen atoms. It is furthermore evident for the person skilled in the art that a 6-membered aromatic group cannot contain any O or S atoms, but contains carbon atoms and

optionally one or more nitrogen atoms. Furthermore, it is evident that such aromatic homo- or heterocyclic group can also be substituted.

The applicant agrees that both, Cyl and Cy2 are bonded to the metal via a ring atom. The applicant has amended the index  $c = 0$ .

The Examiner furthermore objects to the term "Cyl and Cy2 are linked to one another via substituents" as the substituents are not defined. To overcome this objection, the applicant has amended this definition to "Cyl and Cy2 are linked to one another via substituents" to read: "Cyl and Cy2 are linked to one another via substituents and thus define a polycyclic, aliphatic or aromatic ring system wherein this ring system is a six-membered ring system which can be optionally substituted by R1". The applicant believes that the claims as amended are in compliance with 35 U.S.C. 112, second paragraph. For the above reasons, this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00003-US from which the undersigned is authorized to draw.

Dated: November 10, 2011

Respectfully submitted,

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